

**SUPREME COURT MINUTES
WEDNESDAY, MARCH 7, 2012
SAN FRANCISCO, CALIFORNIA**

S198638 E052400 Fourth Appellate District, Division 2 **RIVERSIDE, CITY OF v.
INLAND EMPIRE PATIENT'S
HEALTH AND WELLNESS
CENTER, INC.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to April 26, 2012.

S199465 **ACCUSATION OF VILLEGAS**

Petition stricken (case closed) – GREGORY T. VILLEGAS

The accusation filed February 15, 2012, in the above-entitled matter is hereby stricken as your complaint against attorney Janice Wellborn is currently pending in the State Bar's Audit and Review Department. If you are dissatisfied with the Audit and Review Department final action on your complaint, then you may file an Accusation with this court within 60 days from the date of the State Bar's letter. (See Cal. Rules of Court, rule 9.13(d).)

S199945 **ALFARO (CESAR) ON H.C.**

Petition stricken (case closed)

The petition for writ of habeas corpus filed February 6, 2012, in the above-entitled matter is hereby stricken as it is a duplicate petition of a matter currently pending before this court in case no. S199893, *In re Cesar Alfaro on Habeas Corpus*.

S025520 **PEOPLE v. WALDON (BILLY
RAY)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Karen Hamilton's representation that she anticipates filing the appellant's opening brief by October 25, 2012, counsel's request for an extension of time in which to file that brief is granted to May 14, 2012. After that date, only three further extensions totaling about 164 additional days will be granted.

S029843**PEOPLE v. BECK (JAMES
DAVID) & CRUZ (GERALD
DEAN)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender William T. Lowe's representation that he anticipates filing appellant Gerald Dean Cruz's reply brief by June 1, 2012, counsel's request for an extension of time in which to file that brief is granted to April 27, 2012. After that date, only one further extension totaling about 35 additional days will be granted.

S075725**PEOPLE v. JONES
(KIONGOZI)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Viet H. Nguyen's representation that he anticipates filing the respondent's brief by June 6, 2012, counsel's request for an extension of time in which to file that brief is granted to May 8, 2012. After that date, only one further extension totaling about 30 additional days is contemplated.

S078895**PEOPLE v. SIVONGXXAY
(VAENE)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Douglas Ward's representation that he anticipates filing the appellant's opening brief by August 1, 2012, counsel's request for an extension of time in which to file that brief is granted to May 4, 2012. After that date, only two further extensions totaling about 90 additional days will be granted. An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S087569**PEOPLE v. SANCHEZ (JUAN)**

Extension of time granted

Good cause appearing, Senior Deputy State Public Defender John Fresquez's request for an extension of time in which to file the appellant's opening brief is granted to May 7, 2012. The court anticipates that after that date, only eight further extensions totaling about 480 additional days will be granted. Counsel is ordered to inform his or her supervising attorney, if any, of this schedule, and to take all steps necessary to meet it.

S095223**PEOPLE v. BLOOM
(ROBERT MAURICE)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Michael R. Johnsen's

representation that he anticipates filing the respondent's brief by September 3, 2012, counsel's request for an extension of time in which to file that brief is granted to May 7, 2012. After that date, only two further extensions totaling about 120 additional days are contemplated.

S097558**PEOPLE v. GARTON (TODD
JESSE)**

Extension of time granted

Good cause appearing, and based upon counsel Jeffrey J. Gale's representation that he anticipates filing the appellant's opening brief by April 27, 2012 counsel's request for an extension of time in which to file that brief is granted to April 27, 2012. After that date, no further extension will be granted.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S104144**PEOPLE v. PEREZ, JR.,
(JOSEPH ANDREW)**

Extension of time granted

Good cause appearing, and based upon counsel A. Richard Ellis's representation that he anticipates filing the appellant's opening brief by July 2012, counsel's request for an extension of time in which to file that brief is granted to May 7, 2012. After that date, only one further extension totaling about 60 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S105857**PEOPLE v. JOHNSON
(LUMORD)**

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender Arnold A. Erickson's representation that he anticipates filing the reply brief by August 1, 2012, counsel's request for an extension of time in which to file that brief is granted to May 7, 2012. After that date, only two further extensions totaling about 90 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S107900**PEOPLE v. WRIGHT, JR.,
(WILLIAM LEE)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Alison Bernstein's representation that he anticipates filing the appellant's opening brief by August 2012, counsel's

request for an extension of time in which to file that brief is granted to May 7, 2012. After that date, only two further extensions totaling about 90 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S113421**PEOPLE v. HARDY
(WARREN JUSTIN)**

Extension of time granted

Good cause appearing, and based upon counsel Susan K. Shaler's representation that she anticipates filing the appellant's opening brief by June 2013, counsel's request for an extension of time in which to file that brief is granted to April 30, 2012. After that date, only seven further extensions totaling about 420 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S116307**PEOPLE v. FLORES III
(ALFRED)**

Extension of time granted

Good cause appearing, and based upon counsel Robert Derham's representation that he anticipates filing the appellant's opening brief by April 30, 2012, counsel's request for an extension of time in which to file that brief is granted to April 30, 2012. After that date, no further extension is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S119296**PEOPLE v. BATTLE
(THOMAS LEE)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Heidi Bjornson-Pennell's representation that she anticipates filing the appellant's opening brief by November 2, 2012, counsel's request for an extension of time in which to file that brief is granted to May 8, 2012.

After that date, only three further extensions totaling about 180 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S120382**PEOPLE v. SANCHEZ
(VINCENT HENRY)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to May 7, 2012.

S122123**PEOPLE v. RODRIGUEZ
(ANGELINA)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General William H. Shin's representation that he anticipates filing the respondent's brief by July 13, 2012, counsel's request for an extension of time in which to file that brief is granted to May 7, 2012. After that date, only one further extension totaling about 67 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S132253**PEOPLE v. HELZER (JUSTIN
ALAN)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to April 27, 2012.

S133660**PEOPLE v. AMEZCUA
(OSWALDO) & FLORES
(JOSEPH CONRAD)**

Extension of time granted

Good cause appearing, and based upon counsel David H. Goodwin's representation that he anticipates filing appellant Joseph Conrad Flores's opening brief by June 2012, counsel's request for an extension of time in which to file that brief is granted to April 27, 2012. After that date, only one further extension totaling about 60 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S135272**PEOPLE v. DWORAK
(DOUGLAS EDWARD)**

Extension of time granted

Good cause appearing, and based upon counsel Diane Nichols's representation that she anticipates filing the appellant's opening brief by May 1, 2013, counsel's request for an extension of time in which to file that brief is granted to May 7, 2012. After that date, only six further extensions

totaling about 360 additional days will be granted.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S137307

**PEOPLE v. MORALES
(JOHNNY)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to May 4, 2012.

S137730

**PEOPLE v. POWELL (TROY
LINCOLN)**

Extension of time granted

Good cause appearing, and based upon counsel R. Clayton Seaman Jr.'s representation that he anticipates filing the appellant's opening brief by July 3, 2012, counsel's request for an extension of time in which to file that brief is granted to May 4, 2012. After that date, only one further extension totaling about 60 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S139103

**PEOPLE v. JACKSON
(BAILEY LAMAR)**

Extension of time granted

Good cause appearing, and based upon counsel Richard I. Targow's representation that he anticipates filing the appellant's opening brief by June 30, 2012, counsel's request for an extension of time in which to file that brief is granted to May 7, 2012. After that date, only one further extension totaling about 60 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S140795

**PEOPLE v. ESPINOZA
(JOHNNY)**

Extension of time granted

Appellant's "Motion for Relief from Default in Filing Ninth Time Extension Request" is granted. Good cause appearing, and based upon counsel Ralph H. Goldsen's representation that he anticipates filing the appellant's opening brief by July 2012, counsel's request for an extension of time in which to file that brief is granted to April 30, 2012. After that date, only two further extensions totaling about 90 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the

anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S149039

**PEOPLE v. AGUAYO
(JOSEPH MORENO)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to May 7, 2012.

S152156

**PEOPLE v. KARIS, JR.,
(JAMES LESLIE)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to May 7, 2012.

S192417

**ANDERSON (DONALD
WILLIAM) ON H.C.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the informal response is extended to April 6, 2012.

S192704

B220174 Second Appellate District, Div. 1

**PEOPLE v. DELGADO
(MILDRED)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the reply brief is extended to April 5, 2012.

S195922

**HINTON (ERIC LAMONT)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Federal Public Defender Margaret A. Farrand's representation that she anticipates filing the reply to the informal response to the petition for writ of habeas corpus by April 9, 2012, counsel's request for an extension of time in which to file that document is granted to April 9, 2012. After that date, no further extension is contemplated.

S199915**CONTRERAS (JORGE) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Christina Hitomi Simpson's representation that she anticipates filing the informal response to the petition for writ of habeas corpus by December 28, 2012, counsel's request for an extension of time in which to file that document is granted to May 7, 2012. After that date, only four further extensions totaling about 235 additional days are contemplated.

S134792**PEOPLE v. HUGHES
(MERVIN RAY)**

Order filed

In light of the order of February 29, 2012, vacating the appointment of Debra S. Sabah Press as counsel of record for appellant, the April 13, 2012, due date for the filing of appellant's opening brief is vacated.

S199533 G043479/G043534 Fourth Appellate District, Div. 3 **AVENIDA SAN JUAN
PARTNERSHIP v. CITY OF
SAN CLEMENTE**

Order filed

The application of Thousand Oaks Boulevard Association for permission to file an untimely opposition to the depublication request is hereby denied.

S200209**STEIN (MOSHE ISAAC) v.
S.C. (PEOPLE)**

Transferred to Court of Appeal, Third Appellate District

The above-entitled matter is transferred to the Court of Appeal, Third Appellate District.

S200642**PEYTON (LEE) v. S.C.
(PEOPLE)**

Transferred to Court of Appeal, Second Appellate District

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District, Division Six.

**SUPREME COURT MINUTES
WEDNESDAY, MARCH 7, 2012
SAN FRANCISCO, CALIFORNIA**

The Supreme Court of California convened in the courtroom of the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on Wednesday, March 7, 2012, at 9:00 a.m.

Present: Chief Justice Tani Cantil-Sakauye, presiding, and Associate Justices Kennard, Baxter, Werdegar, Chin, Corrigan, and Liu.

Officers present: Frederick K. Ohlrich, Clerk, and Gail Gray, Calendar Coordinator.

S185305 The People, Plaintiff and Respondent,
 v.
 Rayshon Derrick Thomas, Defendant and Appellant.

Cause called. Stephen G. Herndon, Office of the Attorney General,
argued for Respondent.
Carlo Andreani, Court-appointed Counsel, argued for Appellant.

Mr. Herndon replied.
Cause submitted.

S090499 The People, Respondent,
 v.
 David James Livingston, Appellant.

Cause called. Robert Wayne Gehring, Court-appointed Counsel,
argued for Appellant.
Daniel Chang, Office of the Attorney General, argued for
Respondent.

Mr. Gehring replied.
Cause submitted.

Court adjourned.

